

Translation

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PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference O-2114	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/BE2003/000106	International filing date (day/month/year) 13 juin 2003 (13.06.2003)	Priority date (day/month/year) 13 juin 2002 (13.06.2002)
International Patent Classification (IPC) or national classification and IPC E06B 9/17		
Applicant DYNACO INTERNATIONAL, S.A.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 14 janvier 2004 (14.01.2004)	Date of completion of this report 13 September 2004 (13.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/BE2003/000106

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
 pages _____ 1-18 _____, as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- ☒ the claims:
 pages _____ 1-23 _____, as originally filed/furnished
 pages* _____, as amended (together with any statement) under Article 19
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- ☒ the drawings:
 pages _____ 1/14 - 14/14 _____, as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/BE 03/00106

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-23	YES
	Claims	1	NO
Inventive step (IS)	Claims	2-23	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: US-A-4 921 033

2. D1 describes (cf. column 1, lines 35 to 39 and column 3, lines 47 to 52; figure 1):
a shutter device engaging driving means for moving the shutter (12) between an open position and a closed position and including a drum (22) about which the shutter (12) is rolled in the open position thereof, thereby forming a roll consisting of coils formed by the successive layers of the shutter (12), and from which the shutter (12) can be unrolled towards the closed position thereof.
Containment means (28) are provided for preventing the coils from forming folds when the shutter (12) is moved towards the closed position and/or from slipping relative to each other.

The combination of features of independent claim 1 is already described in D1. Consequently, the subject matter of said claim is not novel (PCT Article 33(1) and (2)).

3. The combination of features of claim 2 is not found

in the prior art and cannot be derived in an obvious manner therefrom.

4. Since claims 3 to 23 are dependent on claim 2, the subject matter thereof is also novel and inventive.
5. The subject matter of claims 1 to 23 is industrially applicable (PCT Article 33(4)).

Additional observations

1. Claim 1 fails to comply with the requirements of PCT Article 6, in so far as the subject matter for which protection is sought has not been clearly defined. The expression "containment means" used in claim 1 is vague and equivocal, and casts doubt on the meaning of the technical feature to which it refers. The subject matter of said claim is therefore not clearly defined (PCT Article 6).
Furthermore, the claim attempts to define said subject matter by the result to be achieved, yet this merely amounts to stating the basic problem the invention is intended to solve. The problem that the invention is intended to solve is that of preventing the successive layers of the shutter from slipping relative to each other (see description, page 7, line 2).

The subject matter of dependent claim 2 has the technical features required to achieve this result and solve the problem.

2. Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in D1 has not been indicated in the description, nor has said document been cited.